IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 564 OF 2003.

The State of Maharashtra. ... Appellant.

Versus.

Ramchandra B.Wakde and others. ... Respondents.

Ms.S.V.Gajare, A.P.P. for the Appellant.

Shri Rajan Salvi for the Respondents Nos.1 and 2.

CORAM : ABHAY S.OKA, J.

DATED : 11th September, 2006.

P.C.:

1. Heard the learned A.P.P. for the Appellant and the learned Advocate for the Respondents Nos.1 and 2. I have heard the Advocates appearing for the parties on the prayer for grant of leave.

2. By the impugned Judgment and Order the learned Judicial Magistrate, Raigad at Alibag has acquitted the Respondents of offence punishable under section 498A read with section 34 of the Indian Penal Code. The 1st Respondent is the husband of the Complainant-wife and the 2nd Respondent is the mother-in-law of the Complainant-wife.

3. After having heard the learned Advocates appearing for the parties and after perusing the impugned Judgment and order, I find that no case is made out for grant of leave. The learned trial Judge has considered the evidence of the prosecution witnesses. The learned trial Judge has noted that in the complaint

at Exh.15 filed by the Complainant, she has stated that she had disclosed about the illegal demands made by the Respondents and the ill-treatment given by the Respondents only to her parents. The learned Judge held that the Complainant has not disclosed both in the complaint and in her evidence that she had disclosed the incident of ill-treatment to her sister Sulochana, who is P.W.2. However, P.W.2 in her evidence has described the alleged ill-treatment and has stated that the same was disclosed to her by the Complainant. The learned Judge has referred to the evidence of P.W.3. The learned Judge noted that according to the case of the Complainant, the incidents were never disclosed to the P.W.3. It appears that the view taken by the learned trial Judge is a possible view to be taken on the basis of the evidence on record. No case is made out for grant of leave. The Appeal is dismissed.

Judge.